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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,417	03/12/2004	Teng Li Chen	OP-093000174	6538

7590 09/20/2006
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EXAMINER

NEGRON, ISMAEL

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,417	Applicant(s) CHEN, TENG LI	
	Examiner Ismael Negron	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☒ Claim(s) 1,2,6,7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Representative of Inventor or Owner

1. An examination of this application reveals that applicant has attempted to appoint an attorney or agent who is neither registered to practice before the U.S. Patent and Trademark Office in patent matters nor named as an inventor in the application, contrary to the Code of Federal Regulations, 37 CFR 1.31 and 1.32. Therefore, the appointment is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the named applicant(s) for patent or owner(s).

While an applicant may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is, therefore, encouraged to secure the services of a registered patent attorney or agent (i.e., registered to practice before the U.S. Patent and Trademark Office) to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution.

The Office cannot aid you in selecting a registered attorney or agent; however, a list of attorneys and agents registered to practice before the U.S. Patent and Trademark Office is available from the USPTO web site, <http://www.uspto.gov>. For assistance

locating this information contact the Office of Enrollment and Discipline at (571) 272-4097 or, call the Inventors Assistance Center toll free number, 1(800) 786-9199.

Continued Examination Under 37 CFR 1.114

2. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, filed on March 27, 2006. The submission, however, is not proper since the fee set forth in 37 CFR 1.17(e) was not included, and prosecution of the instant application was not yet closed. See 37 C.F.R. 1.114 (a).

Response to Amendment

3. Applicant's amendment filed on March 29, 2006 has been entered. Claims 1, 3, 6, 8 and 10 have been amended. Claim 2 has been cancelled. No claim has been added. Claims 1 and 3-12 are still pending in this application, with Claim 1 being the only independent claim.

Title

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: ~~Dismountable~~ **Collapsible** Lampshade

Structure.

Abstract

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

5. The abstract of the disclosure is objected to because it refers to the purported merits of the invention and compares it with the prior art. Correction is required. See MPEP § 608.01(b).

6. The Examiner respectfully suggests amending the abstract to read:

A demountable lampshade includes a plurality of shade pieces~~s~~ and a connecting base. Each **shade piece** ~~including~~ **includes** a frame with an upper frame section, a lower frame section and two side frame sections, and at least one side frame having a buckle member formed thereon to clamp two corresponding side frame sections when the shade pieces are mounted to each other. The connecting base ~~located to the upper frame sections of the mounted shade pieces, including~~ **includes** an outer ring, an inner ring and a plurality of connecting rods connected between the outer and inner rings. ~~Accordingly, the lampshade structure can be rapidly and easily disassembled for conveniently storing or transporting.~~ **The demountable lampshade is formed by attaching the connecting base to the upper frame section of the plurality of shade pieces.**

Claim Objections

7. Claims 1, 2, 6, 7 and 10 are objected to because of the following informalities:
- Claim 1, line 3, should read "lower frame section and two side frame sections, and at least one side frame section having a";
 - Claim 1, line 6, should read "a connecting base located proximate to the upper frame sections of the mounted shade pieces,";
 - Claim 2, line 2, should read "outer ring includes a plurality of indentations with respect corresponding to the protrusions.";
 - Claim 6, line 2, should read "members are formed on the at least one side frame section.";
 - Claim 7, line 2, should read "pivotally formed on the at least one side frame section for clamping."; and
 - Claim 10, lines 2 and 3, should read "shade piece includes a shade body ~~is outstretched at~~ projecting over one side frame section to form an overlapping cover ~~on the other~~ over an adjacent shade piece ~~while~~ when the two shade pieces are mounted together."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over BEALES (U.S. Pat. 1,335,640) in view of JUANG (U.S. Pat. App. Pub. 2003/0067777).

9. BEALES discloses a lamp shade having:

- **a plurality of shade pieces (as recited in Claim 1), Figure 1, reference number 16;**
- **each shade piece including a frame (as recited in Claim 1), Figure 1, reference number 17;**
- **the frame having an upper frame section (as recited in Claim 1), Figure 1, reference number 15;**
- **the frame having a lower frame section (as recited in Claim 1), Figure 2, reference number 19;**
- **the frame having two side frame sections (as recited in Claim 1), Figure 2, reference number 18;**
- **at least one side frame having a buckle member formed thereon (as recited in Claim 1), Figure 6, reference number 22;**

- **a connecting base (as recited in Claim 1), as seen in Figure 1;**
- **the connecting base being proximate the upper frame sections of the shade pieces when mounted (as recited in Claim 1), as seen in Figure 1;**
- **the connecting base including an outer ring (as recited in Claim 1), Figure 1, reference number 12;**
- **the connecting base including an inner ring (as recited in Claim 1), Figure 1, reference number 14;**
- **the connecting base including a plurality of connecting rods (as recited in Claim 1), Figure 1, reference number 13;**
- **the connecting rods being connected between the outer and inner rings (as recited in Claim 1), as seen in Figure 1;**
- **a protrusion (as recited in Claim 1), horizontal rib of element 15, as seen in Figure 2;**
- **the protrusion being formed near an end of the side frame section connected with the corresponding upper frame section of each shade piece (as recited in Claim 1), as seen in Figure 2;**
- **the outer ring being located between the protrusions and the upper frame sections of the mounted shade pieces (as recited in Claim 1), as seen in Figure 2;**

- **the connecting base being mounted between the upper frame sections and the protrusions (as recited in Claim 1), as seen in Figure 2;**
- **the outer ring including a plurality of indentations with respect to the protrusions (as recited in Claim 3), rounded corners of the outer ring 12;**
- **the diameter of the inner ring being much smaller than the diameter of the outer ring (as recited in Claim 4), as seen in Figure 1;**
- **the number of the shade pieces being equal to the number of the indentations (as recited in Claim 5), as seen in Figure 1;**
- **the shade piece having a fanlike shape (as recited in Claim 8), as seen in Figure 1;**
- **a number of the shade pieces being two (as recited in Claim 9), as seen in Figure 1;**
- **each shade piece including a shade body (as recited in Claim 10), as seen in Figure 1;**
- **the shade body projecting from one side frame section to form an overlapping cover over an adjacent shade piece when the two shade pieces are mounted together (as recited in Claim 10), Figure 6, reference numbers 22 and 23.**

10. BEALES discloses all the limitations of the claims, except:

- the buckle member being rotated for clamping two corresponding side frame sections when the shade pieces are mounted to each other (as recited in Claim 1);
- two buckle member being formed on the side frame section (as recited in Claim 6);
- the buckle member being pivotally formed on the side frame section for clamping (as recited in Claim 7);
- the shade body being made of Polystyrene plastic material (as recited in Claim 11); and
- the shade body being made of Polyvinyl Chloride plastic material (as recited in Claim 12).

11. JUANG discloses a lamp shade having:

- **a shade piece (as recited in Claim 1), Figure 1, reference number 1;**
- **the shade piece having a buckle member formed thereon (as recited in Claim 1), Figure 1, reference number 10;**
- **a connecting base (as recited in Claim 1), as seen in Figure 1;**
- **the connecting base being proximate the upper frame sections of the shade pieces when mounted (as recited in Claim 1), as seen in Figure 1;**

- **the connecting base including an outer ring (as recited in Claim 1), Figure 5, reference number 2;**
- **the connecting base including an inner ring (as recited in Claim 1), as seen in Figure 5;**
- **the connecting base including a plurality of connecting rods (as recited in Claim 1), Figure 5, reference number 20;**
- **the connecting rods being connected between the outer and inner rings (as recited in Claim 1), as seen in Figure 5;**
- **the buckle member being rotated for clamping two corresponding side frame sections when the shade pieces are mounted to each other (as recited in Claim 1), paragraph 0024;**
- **two buckle member being formed on the side frame section (as recited in Claim 6), as seen in Figure 1;**
- **the buckle member being pivotally formed on the side frame section for clamping (as recited in Claim 7), paragraph 0024.**

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the plurality of buckle member of JUANG instead of that of the patented lamp shade of BEALES to enable such lamp shade a closer cleave and perfect fit between the shade pieces, as per the teachings of JUANG (see paragraph 0027).

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13. Regarding the shade body being made of Polystyrene plastic material (as recited in Claim 11) or Polyvinyl Chloride plastic material (as recited in Claim 12), it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the claimed Polystyrene or Polyvinyl Chloride plastic material, since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945). In this case, one would have been motivated since Polystyrene or Polyvinyl Chloride plastic material shade members are old and well known in the art to be sturdy, cheap, and easy to manufacture.

Response to Arguments

14. Applicant's arguments filed on March 29, 2006 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (571) 273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you

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have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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